WP(C) 3486/2007

BEFORE

HON'BLE MR. JUSTICE AMITAVA ROY

Heard Mr. De, learned Sr. Counsel for the petitioner and Mr. Bora, learned State Counsel for the official respondents. Having regard to the relief sought for, I dispose of this petition at the admission stage.

Sans the factual details, it would be suffice to state that the petitioner claims to be the registered owner of the truck bearing registration No. MZ01-D-4521, which according to him at the relevant time was engaged for carrying cement to and from Tripura. While on one of such trips, the truck was intercepted on 14/6/2007 by the Range Officer, Patharkandi Range and the same was seized reportedly with some firewood in it. The driver of the truck was taken into custody and the documents thereof were also taken possession of. On coming to learn of the seizure of the vehicle, the petitioner, on 26/6/2007 submitted an application before the Range Officer, Patharkandi Range, with a prayer to release the same. As the request remained unresponded, the petitioner followed up his pursuit with the Divisional Forest Officer, Karimganj. He reiterated the request for release of his truck under section 49A of the Assam Forest Regulation, 1891 (hereafter referred to as the Regulation). As his endeavours did not yield any result, he approached this Court.

The respondents have in their counter in substance contended that the truck involved was rightly seized as it was transporting illegally felled timber. The seizure being in accordance with the procedure prescribed by section 49A of the Regulation, the vehicle was not released.

Mr. De has argued that as the petitioner is ready to furnish adequate security for the truck and prepared to produce the truck as and when asked for by the respondent authorities, the same ought to be released in his favour under section 49 A of the Regulation. As the vehicle has been purchased by the petitioner on loan for which he is supposed to cough up a monthly instalment of Rs. 49,000/- and the truck is the only source of his income the continued detention thereof for the last two months has worked irreparable injury to him.

Mr. Bora, learned State Counsel, has submitted that if the petitioner furnishes adequate security to the satisfaction of the concerned respondent authority and gives an unqualified undertaking to produce the vehicle as and when called for in connection with the proceeding under the Regulation, the same may be released to him.

Upon hearing the learned Counsels for the parties and on a consideration of the materials on record and having regard to the hardship, which the petitioner contends to be suffering, it is ordered as follows.

(1) The Divisional Forest Officer, Karimganj, would, having regard to the condition of the truck, assess the present value thereof and intimate it to the petitioner.

(2) The petitioner would then furnish adequate security for the truck to the satisfaction of the above authority having regard to the value thereof as assessed.

(3) The petitioner would also give an unqualified undertaking to produce the truck as and when required by the Divisional Forest Officer, Karimganj.

(4) If the petitioner submits the security to the satisfaction of the aforementioned authority and undertakes to produce the truck as required, the Divisional Forest Officer, Karimganj, would release the same in his favour.

The Divisional Forest Officer, Karimganj, would assess the value of the truck within a week from the date of receipt of certified copy of this order and the petitioner within a week thereafter complete the other formalities. The truck thereafter would be released to him without further delay. As Mr. Bora apprises this Court that the confiscation proceeding under the Regulation has already been initiated, the petitioner would cooperate therewith. The petition stands closed in the above terms. No costs.